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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/702,347

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Gloria Buley

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8115

7590

03/01/2006

Ronald H. Spuhler
McAndrews, Held & Malloy, Ltd.
34th Floor
500 West Madison Street
Chicago, IL 60661

EXAMINER

AMARI, ALESSANDRO V

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,347

Applicant(s)

BULEY, GLORIA

Examiner

Alessandro V. Amari

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/6/2003 & 5/24/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-13 in the reply filed on 25 March 2005 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Edwards US 6,059,418.

In regard to claim 1, Edwards discloses (see Figures 1, 3) a vehicle with a system of mirrors that allows a driver to view the entire right side of the vehicle comprising a first mirror (22) facing in a rearward direction and viewable from the position of the driver's seat, a second mirror (26) mounted toward the rear of the vehicle and facing in a forward direction, said second mirror being viewable by the driver through said first mirror as shown in Figures 1 and 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Warming WO93/24345.

Regarding claims 2, 4, and 7, Edwards teaches the invention as set forth above but does not teach regarding claim 2, that the second mirror is pivotable outward from a position parallel to the vehicle to a position generally perpendicular to the vehicle and regarding claim 4 does not teach a motorized pivotal mount affixed to the rear of the vehicle so as to allow the second mirror to be extended outward from the vehicle under control of the driver and regarding claim 7, Edwards does not teach including red stop lights fixed to the back of the second mirror.

Regarding claim 2, Warming teaches (see Figures 6-10) a second mirror (73) that is pivotable outward from a position parallel to the vehicle to a position generally perpendicular to the vehicle as shown in Figure 10 and as described on pages 6 and 7 and regarding claim 4 Warming teaches (see Figures 6-10) a motorized pivotal mount (70) affixed to the rear of the vehicle so as to allow the second mirror to be extended outward from the vehicle under control of the driver as described on pages 6 and 7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pivotal mount as taught by Warming for the mirror system of Edwards in order to provide for a retractable mirror that can be stowed in an inboard position so as to provide additional clearance for the vehicle when traversing tight or narrow spaces or when parking vehicle.

Regarding claim 7, Warming teaches (see Figure 1) including red stop lights (32) fixed to the back of a mirror.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the red stop lights of Warming for the mirror system of Edwards in order to provide for additional safety information to other drivers.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418.

Regarding claim 3, Edwards teaches the invention as set forth above but does not teach that the second mirror is a convex mirror to provide a wide angle view of the forward direction. It is well known in the vehicular mirror art to utilize convex surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a convex surface for the second mirror of Edwards so as to increase the angle of view to the driver to provide additional visual information to the driver so as to increase safety.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Lamparter US 6,009,650.

Regarding claims 5 and 6, Edwards teaches the invention as set forth above but regarding claim 5 does not teach further including a stop sign that can be positioned relative to the second mirror for viewing by persons behind the vehicle and regarding claim 6, does not teach that the stop sign is mounted on the back of the second mirror.

Regarding claims 5 and 6, Lamparter teaches (see Figures 1-5) a stop sign (18) that can be positioned relative to the second mirror for viewing by persons behind the vehicle or that the stop sign is mounted on the back of the second mirror.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the stop sign of Lamparter with the mirror system of Edwards in order to provide additional warning signals to other drivers and thus increase safety for the vehicle.

8. Claims 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332.

In regard to claim 8, Edwards teaches (see Figures 1, 3) a mirror for mounting on the rear side of a bus, which provides a view toward the front of the bus. However, in regard to claim 8, Edwards does not teach that the mirror being relatively larger than any front mounted mirrors and capable of being selectively deployed to an outward position by the operator and regarding claim 10, Edwards does not teach a pivoting mechanism controllable by the operator.

In regard to claim 8, Brierley teaches (see Figures 1-3) the mirror being relatively larger than any front mounted mirrors as described in column 1, lines 35-39.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the larger mirror of Brierley with the mirror system of Edwards in order to provide for a wider viewing area to the user so as to increase visual information to the driver for improved safety.

Regarding claims 8 and 10, Warming teaches (see Figures 2, 3) that the mirror can be selectively deployed to an outward position by a pivoting mechanism controllable by the operator as described in column 1, lines 35-65 and column 2, lines 1-90 and as shown in Figures 2 and 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pivotal mount as taught by Warming for the mirror system of Edwards in view of Brierley in order to provide for a retractable mirror that can be stowed in an inboard position so as to provide additional clearance for the vehicle when traversing tight or narrow spaces or when parking vehicle.

Regarding claim 9, Edwards in view of Brierley teaches the claimed invention except for the area of the mirror being at least twice that of any front mounted mirror on the bus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the mirror of Edwards in view of Brierley be at least twice that any front mounted mirror, since such a modification would involve only a mere change in size of component. Scaling up or down of an element which merely requires a change in size is generally considered as being within the ordinary skill in the art. One would have been motivated to scale the size of the mirror to be at least twice that of any front mounted mirror in order to provide for a wider viewing area to the user so as to increase visual information to the driver for improved safety. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976)

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332.

Regarding claim 11, Edwards in view of Brierley teaches the invention as set forth above but does not teach that the second mirror is a convex mirror to provide a wide angle view of the forward direction. It is well known in the vehicular mirror art to utilize convex surfaces. It would have been obvious to one having ordinary skill in the

art at the time the invention was made to utilize a convex surface for the second mirror of Edwards in view of Brierley so as to increase the angle of view to the driver to provide additional visual information to the driver so as to increase safety.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332 and further in view of Lamparter US 6,009,650.

Regarding claim 12, Edwards in view of Brierley teaches the invention as set forth above but does not teach including a stop sign affixed to the rear surface of said mirror.

Regarding claim 12, Lamparter teaches (see Figures 1-5) a stop sign (18) that is mounted on the back of the second mirror.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the stop sign of Lamparter with the mirror system of Edwards in view of Brierley in order to provide additional warning signals to other drivers and thus increase safety for the vehicle.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards US 6,059,418 in view of Brierley GB 2085332 and further in view of Warming WO93/24345.

Regarding claim 13, Edwards in view of Brierley teaches the invention as set forth above but does not teach further including stop lights fixed to the back of the mirror and viewable by persons behind the bus.

Regarding claim 13, Warming teaches (see Figure 1) including red stop lights (32) fixed to the back of a mirror.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the red stop lights of Warming for the mirror system of Edwards in view of Brierley in order to provide for additional safety information to other drivers.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wade WO90/12705 teaches a dual mirror system that allows a viewer to view the right side of the vehicle.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava/vj
17 February 2006

Alessandro Amari

Alessandro Amari

Examiner AU2872